

## REMARKS

Claims 1-8, 10-12, 14, 15, 17, 18, 20-22, 24, 25, 27, 36 and 37 are currently pending in this application. It is gratefully acknowledge that the Examiner has found allowable subject matter in Claim 4.

In the Office Action, the Examiner has rejected Claims 1-3, 5-8, 10-12, 14, 15, 17, 18, 20-22, 24, 25, 27, 36 and 37 under 35 U.S.C. §103(a) as being unpatentable over Applicants' Admitted Prior Art (AAPA) in view of Heikkinen et al. (WO 95/32558) and further in view of Lamoureux et al. (U.S. 6,330,458). Additionally, the Examiner has objected to Claims 1-8, 10-12, 14, 15, 17, 18, 20-22, 24, 25, 27, 36 and 37 because of informalities.

Please amend Claims 1, 5, 8, 11, 12, 15, 18, 21, 22 and 25 as set for the herein. Please cancel Claims 10, 20, 36 and 37, without prejudice. No new matter has been added.

Regarding the objection to the claims, the Examiner raises two main issues.

With regard to the first issue, the Examiner stated that in Claims 5, 8 and 18 "the modulated radio signal" in the preamble lacks antecedent basis; these have been addressed in the claims above. Additionally, the Examiner stated that in Claims 8 and 18 "the frame" lacks antecedent basis; again, these have been addressed in the claims above. Finally, the Examiner stated that in the preamble of Claim 37 "apparatus" should read "method"; this has been addressed in the claims above. Based on at least the foregoing, withdrawal of the objections to Claims 1-8, 10-12, 14, 15, 17, 18, 20-22, 24, 25, 27, 36 and 37 is respectfully requested.

With regard to the second issue, the Examiner stated that in Claims 1, 5, 8, 36 and 37, "for transmitting", "for amplifying", "for generating", "for switching" and "for dividing" and the clauses thereafter are not positive limitations but only require the ability to perform, and therefore, do not limit the claims to a particular structure and do not limit the scope of the claims.

During a telephonic interview conducted on June 20, 2006 between the Applicants' representative and the Examiner, this issue was officially withdrawn. Withdrawal of this issue is greatly appreciated.

With regard to the rejections of independent Claims 1, 5, 8, and 18 under 35 U.S.C. §103(a) as being unpatentable over the AAPA in view of Heikkinen, and further in view of Lamoureux, the Examiner asserts that the AAPA, i.e., pages 1-10 and FIGs. 1-10, teaches all the recitations found in these claims (more specifically, the preambles and a power amplifier), except for generating a switching control signal and switching the amplified signal between multiple antennas, which the Examiner asserts is taught in Heikkinen, and generating the switching control signal during a guard interval, which the Examiner asserts is taught in Lamoureux.

Independent Claims 1, 5, 8, and 18 have been amended to recite that the transmission period and the non-transmission period comprise a sub-frame, that the non-transmission period is a guard period in each sub-frame for separating the sub-frames, and that the guard period is located at the end of each sub-frame.

Lamoureux in FIG. 4 and its description in col. 4, line 58 to col. 5, line 11 clearly illustrates that each time slot is separated by a guard time. The guard time of each time slot occurs at the beginning of each time slot, e.g. "the guard time 432 of the time slot 406" at col. 5, lines 39-40. The antenna switching of Lamoureux occurs during guard time 432 of the start of time slot 406.

As none of the references defines that that the transmission period and the non-transmission period comprise a sub-frame, that the non-transmission period is a guard period in each sub-frame for separating the sub-frames, and that the guard period is located at the end of each sub-frame, Claims 1, 5, 8 and 18 are believed to be in condition for allowance.

Based on at least the foregoing, withdrawal of the rejections of independent Claims 1, 5,

8, and 18 under 35 U.S.C. §103(a) is respectfully requested.

Independent Claims 1, 5, 8 and 18 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2, 3, 6, 7, 11, 12, 14, 15, 17, 21, 22, 24, 25, and 27, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2, 3, 6, 7, 11, 12, 14, 15, 17, 21, 22, 24, 25, and 27 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-8, 11, 12, 14, 15, 17, 18, 21, 22, 24, 25 and 27, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Musella", with a stylized flourish at the end.

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